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THE  
VIRGINIA MAGAZINE  
OF  
HISTORY AND BIOGRAPHY.

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VOL. XXIII.

JULY, 1915.

No. 3

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**ACTS, ORDERS AND RESOLUTIONS OF THE GENERAL  
ASSEMBLY OF VIRGINIA**

AT SESSIONS OF MARCH 1643-1646.

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From a Manuscript Volume in the Norfolk County Clerks'  
Office, Portsmouth, Va.

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[A short time ago Mr. Charles F. McIntosh, of Norfolk, Va., discovered in the Clerks' Office at Portsmouth, a manuscript volume containing acts and other proceedings of Assembly not printed in Hening. Dr. H. R. McIlwaine, State Librarian, who had been informed of the discovery, went to Portsmouth, examined the volume, and obtained from the proper authority permission to bring it to Richmond to be copied. This has been done with a view to the use of its contents in any future collection of Virginia laws; but as there is no present intention of publishing such a collection he has kindly allowed our Society to print it in the magazine and furnished a copy for that purpose.]

The acts of the Session of March 1643-4, refer largely to the war which followed the second Indian Massacre, led by Opecanough. In this Magazine IX, 50-59, were printed some of the Acts passed at the Session of Jan. 1641, also not included in Hening. These were from an incomplete copy which at one time was at Charles City C. H. The Norfolk County book has no covers and a part has been lost. The part remaining consists of 49 numbered folios, with writing on both sides of each folio, and an unnumbered folio at the beginning. This folio has written on it several forms of oaths. The 49 numbered folios contain the laws passed by the Grand Assembly of Virginia at several sessions, the first of which began the 2nd of March 1642 (old style) and the last the 3rd of November 1647. Not all the acts for that session, however, remain in the book, several having been written, undoubtedly, on the folios of the book now lost.

[Copied from a manuscript book belonging to Norfolk County and deposited in the office of the clerk of the court of that county.]

#### The Oath for the Peace.

You shall sweare, That the surety of the peace, w<sup>ch</sup> you require against A: B: is not of any malicious Intent, for repacon but for very feare and for the needfull preservacon of yo<sup>r</sup> body and goods in safety; so help you god.

#### The oath for a Wittness.

You shall sweare, that the Evidence w<sup>ch</sup> you shall now give unto this Court, betweene A: B: & C: D: shall bee the truth, and the whole truth, and nothing but the truth, so god you help, and the Contents of this Booke.

#### The Oath of y<sup>e</sup> Foreman of a Jury.

You doe sweare; That, Concerning the Matters of suite now in difference; and depending in this Court, between

A : B : plt : & C : D : defend<sup>t</sup> and now given you in Charge  
 you shall duely pceed in the tryal thereof, according  
 to the Evidence brought, and prooffe made  
 And that whatsoever verdict, you shall make  
 and deliver up to this Court, shall be m\*\*  
 according to the best of yo<sup>r</sup> cunning and\*\*\*  
 And allsoe such verdict; to bee made and\*\*\*  
     shall bee  
 by you, neyther for love, feare, favor, \*\*\*  
 corruption: and neyther for malice, \*\*\*  
 Envy, of eyther party. Soe Helpe \*\*\*  
 the Contents of this Booke  
     The rest of y<sup>e</sup> Jury by 3: or 4. at \*\*\*

Sworne thus vixt:

Allsoe: such oath as A : B : yo<sup>r</sup> foreman, hath taken before  
 you, on his part; you, and every one of you, shall well,  
 and truly observe, and keepe on your part, soe helpe yee  
 God, & the Contents of this Booke.

The Undersherriffe his Oath:

You shall sweare that well & truly you shall serve the Kings  
 Ma<sup>tie</sup> in the Office of Undersherriffe for the County  
 of Lower Norfolke & doe the Kings pfitt in all things that  
 belongeth to you to doe by way of yo<sup>r</sup> said Office as farre  
 forth as you may or can: You shall keepe & cause to bee kept  
 the best you can the Kings Ma<sup>ties</sup> peace: You shall truly observe,  
 and effectually with all diligence possible to yo<sup>r</sup> power  
 pforme & execute all Acts of Assembly concerninge yo<sup>r</sup> said  
 Office. You shall doe right as well to the poor as to the rich:  
 you shall doe noe wrong to any man for any guift, or other  
 beheast, or pmise of goods for ffavour nor hate. You shall  
 disturbe noe mans right. You shall truely serve & truely  
 retorne all the Kings writts as farre forth as shalbee to  
 yo<sup>r</sup> cunning: And you shall diligently & truely doe all things  
 apptayning unto yo<sup>r</sup> said Office of Undersherriffe to the  
 uttermost of yo<sup>r</sup> power: Soe helpe you God & the Contents of  
 this Booke.

Att the Grand Assemblie holden at James Citty  
2<sup>d</sup> of March 1643.

P<sup>r</sup>sent. Sr. William Berkeley Kn<sup>t</sup> Governor &c,

M <sup>r</sup> Rich. Kemp	)
Capt. John West.	)
Capt. Sam. Mathews.	)
Capt. Tho: Pettys.	)
Capt. Willm. Peirce.	)
Capt. Rich: Townsend.	)
Capt. Henry Browne.	)esqrs.
Capt. William Brocas.	)
Capt. Thomas Willoughby.	)
M <sup>r</sup> George Minefie.	)
Capt. Humfrey Higginson.	)
M <sup>r</sup> George Ludlowe	)
Capt. Willm. Bernard.	)

The Names of the Burgesses for the Severall Plantacons  
in this Collony. Vizt.

	(Capt. Robt Hutchinson.
	(M <sup>r</sup> Richard Brewster
James	(M <sup>r</sup> Stephen Webb.
Citty	(M <sup>r</sup> Edward Travers. [Travis]
County.	(M <sup>r</sup> Thomas Loven.
	(M <sup>r</sup> . Thomas Warren
	(M <sup>r</sup> . John Shepard.
	(M <sup>r</sup> John Jorden.
Yorke	(M <sup>r</sup> . John Chewe.
County.	(M <sup>r</sup> . Rowland Burnham.
	(Capt. Xpofer Calthropp.
Ilse of	(M <sup>r</sup> . Peter Hull.
Wight	(M <sup>r</sup> . George Hardy
County.	(M <sup>r</sup> . Richard Death
Warwick	(M <sup>r</sup> . William Whitby.
County.	(M <sup>r</sup> . John Walker.

Henrico County.	(M <sup>r</sup> . John Zouch, esq <sup>r</sup> . (Capt. Math Gough. (M <sup>r</sup> . Daniell Luellin.
Charles Cytty County.	(Capt. Edw: Hill (Lef <sup>t</sup> ff <sup>r</sup> Poyethres (M <sup>r</sup> John Bishop. (M <sup>r</sup> John Westropp.
Elizabeth Citty County.	(M <sup>r</sup> Willm. Woolridg (M <sup>r</sup> John Holden.
North'ton County.	(Capt. W <sup>m</sup> . Roper. (M <sup>r</sup> . Edw. Douglas.
Upp Norff.	(Mr. Randall Crew (M <sup>r</sup> . Toby Smyth.
Lower Norff.	(Mr. Cornelius Loyd. (M <sup>r</sup> . John Sidney.
The oath of Allegiance and supremacy in the first place was admnstr <sup>d</sup> unto them, &c.	
This assembly was adiourned to the first daye of June. 1644.	

1<sup>o</sup>: Juny Anno Dm: 1644.

1	
Perpetuall Warre w <sup>th</sup> y <sup>e</sup> Indians: & y <sup>e</sup> Mannaging thereof. (vizt)	Whereas the Indians have iustly made them- selves our Irreconcileable enemyes by the late Bloody Massacre having most treacherously and cruelly slayne neare fower hundred of the Inhabitants of this Collony. Bee it therefore by this present Grand Assembly recorded to Posterity. That wee will for ever abandon all formes of peace and familiarity w <sup>th</sup> the whole Nation. and will to the uttmost of our power pursue and root out those w <sup>ch</sup> have any way had theire hands in the shedding of our blood and Massacring of our People.

Cutting downe Indians Corne. And bee it therefore likewyse ordayned and enacted that wee use our uttmost endeavo<sup>rs</sup> to cutt downe the Indians Corne generally this Summer in all places subiect to Opochanckanough. And that the same bee psercuted as farre as our abilityes and Ammunition shall enable us thereunto.

Capt. Claiborne elected Generall. To that end wee have made Choice of Capt. W<sup>m</sup>. Claiborne esq<sup>r</sup> to bee Generall and Cheif Comannder in this expedition. And that the Governo<sup>r</sup> bee pleased to give him Commission whereby he may bee enabled to order all things belonging to this Warre According as he shall receive Instructions and directions from tyme to tyme from the Governo<sup>r</sup> & Councell during his Employ<sup>mt</sup> therein.

To presse men & necessaries at y<sup>e</sup> publique Charge & all officers to be assistant. And to have power to press and take such men and such necessaryes at the publique Charge as shall bee expedient for the service, wherein all publique officers the Leiftenants Dep<sup>ties</sup> Leifetennts Com<sup>ds</sup> Captaines inferior officers Constables and all other psns are required to bee ayding and assisting unto him. And such as are employed on the service to followe such direction & Commands as they shall receive from him.

Upper Norff. to march upon their neighbouring Indians. Accordingly in the first place it is Ordained that the County of Upper Norff. shall sett out a sufficient company of men. to goe against theire neighboring Indians The Nandsemonds. the Seacocks. Warisquoyacks Chawanoke or any other neare unto them. to march forth upon the eighth day of July.

Henrico &  
Charles Citty  
to march upon  
theire neigh-  
boring Indians  
&c.

That the two counties of Henricoe and Charles Citty shall use theire best power against all theire Neighboring Indians. and to march out against the Tancks Weyanokes on the 15<sup>th</sup> day of July and to psecute the rest accordingly the better to divert them from Pomunckey as farre as theire Ammunition and Abilites will enable them. And where they shall bee iustly found to want aid to bee assisted by the other Countyes after the Pomunckey March. and that Horse bee pressed for this service.

300 Men to  
bee levied  
for Pomunkey  
besides Vol-  
untiers;

That three hundred men shall bee Levied for the Pomunkey March out of the Lower Countyes hereafter named to bee rayسد proportionably. And the Charge borne according to the Number of the Tytheable psns besides all Voluntiers whoe shall bee accounted to do and acceptable service in the tender and imploy<sup>m</sup>t of theire psns in that Kynd. as likewise all others that shall contribute in any kind to soe good a worke.

Armes, Amu-  
nicon, & pvis-  
ion of every  
man propocon-  
ed.

Every man for that March shall bring to the Randevous to bee appoynted by the Generall one full pownd of good powder and fower pownd of Bullets or shott of Lead or Pewter to bee weighed there, And those for whome they serve to bee punished or censured that shall bee defective in providing the same or shall spend it before theire coming thither. Likewise every man shall bring one good fixed Gunne and some defensive Coat or Armour and head peice w<sup>th</sup> a sword or Cut-lace and three weekes pvision of Victualls. As likewise a Pinnace or Shalloppe to bee provided at the Countyes Charge to transport theire men.

Pinnace or  
Shallops to  
bee provided.



The said 300 Men to bee rayseed as followeth.

	Men
In James Citty County.....	50
In Yorke County.....	50
In Warwick County.....	35
In the Isle of Wight.....	50
In Elizabeth Citty County.....	40
In Lower Norff.....	40
In North'ton County.....	35
In all three hundred Men.	

Able Men to be elected well Pvided That great Care bee had in the election of the Men. And that those bee subiect to Censure that shall bee faulty therein, by sending insufficient men or insufficiently provided;

Expierced office<sup>rs</sup> to bee Chosen & howe That some good Officers and Psns of experience bee sent to conduct the Men of the severall Countyes unto the Randevous and afterwards as they shall bee appointed. The election of all w<sup>th</sup> officers are to bee chosen by the Leiftennts of the severall Countyes and the Dep<sup>tie</sup> Leiftennts. Togeather w<sup>th</sup> the advice of the Generall or officeres that are to go w<sup>th</sup> him; And it is thought good to nominate the psns following in the sevrall Countyes for the conducting of the Men as aforesaid, unles good Cause happen to the Contrary by sickness or some other Accident

For James	(Capt. ffreeman.	)
Citty	(Capt. Shepard.	)or two
County	(M <sup>r</sup> . Causey.	)of them
	(M <sup>r</sup> . Swann.	)

	(Capt. Cheesman.	)
For Yorke	(Capt. Popeley	)or two
County	(M. ffra. Morgan	)of them.
	(M <sup>r</sup> . Tho Dobbs.	)
	(L <sup>t</sup> . Nich. Stilwell	)

	(Capt. Tho: Harwood )
For Warr:	(Capt. Tho: flint )or two
County	(Thomas Davyes )of them
	(Willm. Pawenett )
	(Thomas Scurfeild. )
For Eliz:	(Capt. Tho Burbage )
Citty	(Cap <sup>t</sup> Nath Oldis )or two
County	(Leift. Woolrich )of them
	(M <sup>r</sup> . Tho: Cheeley )
	(Capt. Sibsey )
For Lower	(Leift. Mason. )or two
Norff.	(Leift. Sidney. )of them
	(M <sup>r</sup> . Woodhouse. )
	(Capt. John Upton. )
Isle of	(M <sup>r</sup> . Antho. Jones. )or two
Wight	(Leift. Hackett. )of them
County.	(S <sup>r</sup> geant Stukeley )
	(W <sup>m</sup> . Baldwin )
North-	(Capt. W <sup>m</sup> . Stone )
ampton	(M <sup>r</sup> . Phill: Taylor. )or two
County.	(M <sup>r</sup> . Roger Marshall )of them
	(M <sup>r</sup> . Edm. Scarborough )
Hen: Luellin	Allsoe it is ordered that M <sup>r</sup> . Henry Luellin
Chirurgeon	bee entertayned as Chirurgeon Generall for
for the Army.	the Armye to Pomunkey and to contynue in
	that Imployment. and to have pay at the
	publique Charge. Allsoe that Doctor Wald-
	ron M <sup>r</sup> . Dunnington. and Mountayne Row-
	land or some of them bee desired to goe along
	w <sup>th</sup> them.
M <sup>r</sup> . Cleverio	And allsoe that M <sup>r</sup> . Cleverio or some other
to bee Minis-	Minister bee entreated to bestowe his paynes
ter.	with them.

30 horses to  
bee pressed &  
satisfaccon  
for any killed;  
and for Boats  
&c.

Allsoe it is ordayned and appoynted that.  
Thirty horses or more bee pressed and taken  
for this service w<sup>th</sup> their furniture and  
ropes to tie them. And the Leifts. of the  
Countyes to take care. that they bee sent  
to their Randevous whereof if any shall bee  
killed that satisfaction shall bee made by the  
Generall Charge. And the like for Boats or  
any other things used & employed in these  
expedicons.

Care taken  
for hurt men;  
or slayne in  
service.

Allsoe if any man bee hurt or Maimed in this  
service. They shall bee mayntained by the  
Country, And in Case any shall bee slayne,  
All possible Care shall bee taken of their  
estates and of their widdowes and Children.

50 quilted  
Coates to bee  
made: at the  
publique Charge.

All good meanes shall bee used for theQuilt-  
ing and making of Cotton Coats to the Num-  
ber of 50 or thereabouts w<sup>ch</sup> shall contynue  
in the publique service of the Country and  
therefore to bee made at their Charge.

The Generall  
to bee allowed  
his Charges.

Likewise that a competent quantity of Tobo.  
bee allowed to the Generall for such charges  
as he shall fynd needful to expend the same  
toward this imploym<sup>t</sup>. And to cause an  
Account to bee given thereof. at the next  
sessions of this grand Assembly.

2. Act.  
false Alarums  
to bee punish-  
ed.

Bee it enacted by the Governo<sup>r</sup> Counsaile and  
Burgesses of this present grand Assemblie tha  
Noe psn whatsoever shoote Gunnes w<sup>ch</sup>  
may cause false Allarums. or doe spend Pow-  
der Unnesessarily in Drinkings, entertainem<sup>ts</sup>  
Weddings, burialles, or any the like upon  
payne or penalty to bee punished according  
to the Quality of the psn offending eyther

by fyne Imp'sonm<sup>t</sup> or other corporall punishm<sup>t</sup> to bee inflicted by the Leif<sup>ts</sup> or Dep<sup>ties</sup> Leift<sup>s</sup> the Maior pt of them.

3. Everyman to goe well armed.

Bee it further enacted by the Authority aforesaid that Noe man shall goe or send abroad w<sup>th</sup>out a sufficient party well armed.

Workers in the ground to have their armes; & keepe Sentinell.

That Noe Man shall goe to Worke in the ground w<sup>th</sup>out their Armes and a Sentinell upon them or more if need require.

Watch by Night.

That there shall be due watch kept by Night where need requires.

frontiers to bee assisted upon Allarums.

That the ioyning plantations doe assist the frontiers or their Neighbours upon Alarums, the fault to bee severely censured and false Alarums punished as aforesaid.

4. Cattle of slayne persons wild or lost, to bee recovered upon halfe; by any y<sup>t</sup> will adventure therein.

That whereas the owners of Cattle slayne in the sev<sup>ll</sup> Countyes soe that there remayneth none to looke after them. Bee it enacted by the Grand Assembly y<sup>t</sup> all such Cattle being taken away by Indians or otherwise by their occasion runne wyld and conceived by the Leif<sup>ts</sup> of each County to be lost. That then such as will adventure to recover the Cattle so lost shall have halfe of what cattle they shall soe regaine And the other half to goe to the heire; And noe heire being knowne the said Half remayning shall bee left to bee disposed according to Lawe.

5. The like Course taken for negligent owners of Cattle.

And whereas the Owners of Cattle in the same Condiçion are reduced from their owne plantations and have neglected the seeking and looking after their Cattle; And shall contynue negligent therein, for that it shall

appeare to the said Leif<sup>ts</sup> that the Indians are thereby fed and encouraged. That Notice being given to the Owners thereof and they shall still forbear to looke after them. That w<sup>thin</sup> tenn dayes after such Notice given such as shall bee willing to recover the Cattle shall have the one halfe of them for their Labour and the other halfe to goe to the Owners.

6. Trade prohibited w<sup>th</sup> y<sup>e</sup> Indians upon paine of death.

Whereas the Continuall Trade w<sup>th</sup> the Indians hath beene and may bee the cause of their enabling and furnishing themselves w<sup>th</sup> such Necessaryes whereby they may bee strengthened and fitted for their defence and subsistence; And that it is Gen<sup>rally</sup> suspected under the Coulo<sup>r</sup> of Licence for Commerce the Natives have beene furnished both w<sup>th</sup> Gunnes Powder and shott w<sup>th</sup> other offensive Instruments thereby tending to our utter ruine. Bee it therefore enacted by this present grand Assembly That all private Trade comerce familiarity and entertaynment w<sup>th</sup> the Indians bee phibited w<sup>thin</sup> the p<sup>r</sup>cincts of this Collony upon payne of death to bee inflicted upon him or them soe offending.

7. All Lead to bee melted; & imployed in Shott.

Whereas the late bloody Massacre by the Indians hath occasioned more shott to be spent then was expected; And whereas the safety of this Collony under god dependeth upon Ammunition and that shott being extreamely wanted to suppress the enemy It is therefore enacted by the Governor Councill and Burgesses of this p<sup>r</sup>sent grand Assembly that all Lead whatsoever upon houses Lead Weights or other Lead in whose custodie or possession soever it be found shall bee taken

Glass windows excepted.	awaye by the next Inhabiting Leifts. where it shall bee soe found and imployed in the publique service and that the pprietor thereof shall receive satisfacon for the same & all reasonable damages at the Generall Charge. Lead upon glasse windowes only excepted.
8. Lres of Creditt to y <sup>e</sup> Governor for 150l Sterl.	It is enacted by this grand Assembly that Letters of Creditt bee given to S <sup>r</sup> William Berkeley Knt. the Governo <sup>r</sup> for one hundred and fiftie pounds sterl. and that the said moneys bee satisfyed in tobo. at the next Cropp according to such agreem <sup>t</sup> as the said S <sup>r</sup> William Berkeley shall make for the paym <sup>t</sup> thereof and what moneys as allready lent out by pticuler Men toward the Charge of the Governor his Voyadge the same to bee satisfyed at the same rate according as the Govorno <sup>r</sup> shall agree in England that tobo. shall be taken by them.

June 3<sup>d</sup>. 1644:

Orders by Assembly. Last yeare Sherr. to bring in there accoumpts.	It is ordered by the Authority aforesaid that the last yeares Sherriffes throughout this Collony respectively doe at the next session of Assembly bring in all their Accoumpts of the last yeare. And they are further hereby required to take due Notice hereof as they will answere the Contrary at their pill.
administracon of the oath. according to former order.	It is ordered by the Authority aforesaid that whereas by the late bloody Massacre divers busynesses have wanted their present dispatch and especially the Administration of the Oath a matter of noe meane Consequence in these dangerous tymes. It is therefore ordered that the Com <sup>rs</sup> of each County forthw <sup>th</sup> doe see the due execution thereof according to the former order to that purpose provided.

Governor  
entreated to  
repaire for  
England.

Whereas New Matters of Importance hath nowe most unexpectedly interposed itself, as allsoe the deplorable estate of this afflicted Country being unable to Mannadg the affaires that doth contynually aryse by reason of this present Warre. being noe wayes furnished w<sup>th</sup> a fitt pporcon of Armes. and Amunition, for the preservation and safety thereof. But that in all likelyhood may declyne to a sodaine Ruine and Desolation. It is therefore ordered by this p<sup>r</sup>sent Grand Assembly that the Governo<sup>r</sup> bee entreated to repaire for England. and Implore his Ma<sup>ty</sup> gracious assistance for our Releife w<sup>ch</sup> Motion and desires of our he having willingly embraced. It is thought fitt this present Assembly having used their best endeavo<sup>r</sup> for the Countrys defence & preservation. that it bee ordered that there bee an adiournm<sup>t</sup> untill the 15<sup>th</sup> day of November next at w<sup>ch</sup> tyme all Busynesses now depending may then receive a finall determination. And that the Sherriff of each County bee hereby authorized and Comanded to give Notice to the Burgesses of each County to make their Repaire to James Citty at the tyme aforesaid. hereof they may not faile as they will answere the Contrary at their pill.

Assembly  
adiourned.

M<sup>r</sup>. Cornel:  
Loyd agent to  
New England &c.

It is ordered by this p<sup>r</sup>sent Grand Assembly that M<sup>r</sup> Cornelius Loyd bee employed to the Dutch Plantacon the Sweeds and New England. as agent for the Country. and that he have Commission granted him for that purpose. Whoe hath freely proffered for the expedition of the voyadge besides his owne service to Lend the Country thirty barrels of Corne. and Sixe hogsheads of Tobo. And

what Amunition shall bee brought in to bee disposed of by the Governo<sup>r</sup> & Counsaile.

By the Grand Assembly  
October. 2<sup>d</sup>. Ao. 1644.

Servants, Armes, In respect of the present Inability of divers  
& Corne. and peoples w<sup>th</sup> this Collony by the late Massacre.  
Amunicon. exemp-It is therefore thought fitt and accordingly  
ted from Execu- ordered. by the authority of this present  
tion. grand Assembly. That all servants Armes  
Amunition and Corne w<sup>th</sup> is for every ones  
provision for the present, bee free & exempted  
from the Rigour of execution. And this to  
contynue till the next Assembly.

[The last act passed at the February 1644-5 session. It is not given in Hening.]

<p>15 Act. Trade for Corne w<sup>th</sup> any Indians in peace lawfull; but for noe other Commodity.</p> <p>The venders not to exceed 100l. tob. p. brl.</p>	<p>Whereas it is apparently knowne by wofull experience that the want of Corne is beyond all Miseryes; and that unles some tymely Course bee allowed to the Inhabitants to pvide some Reliefe therein; This Collony is much to bee feared will fall into that Intoler- able want; It is therefore enacted by the Authority aforesaid That it shall be lawfull for any person or psns having Commission from the Governor, To trade or traffique for Corne onely, w<sup>th</sup> any Nation being in peace and Amity w<sup>th</sup> us; Provided that if they make sale thereof they shall not require above the rate of 100l. tobo. p. barrel. And if it shall bee pved That any trader admitted as afore- said doe trade for any other Commodity then Corne onely, That such shall bee adiudged a trespasser against the Seaventh Act of Assem- bly in March 1642 And their Commission to bee in force till the next assembly.</p>
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[Levy act passed at the November 1645 session, omitted by Hening.]

20                      Bee it alsoe enacted for the defraying of the  
7l. Tobo. p. polle      publique Charge this present yeare, that these  
to bee Levyed; &      severall summes following bee allowed and  
paid by y<sup>e</sup> sherr:      paid unto the severall psns following to whom  
of Lower Norff.      they are assigned, w<sup>ch</sup> some are to bee levyed  
& to whome.          by the severall sherriffes in the severall  
                                 Countyes as is hereunder expressed.

Lower Norff. County:

To pay for 309 tythable psns at 7l. of tobo.	
p polle is.....	2163l.
To bee paid by the last yeares Sherr: sallary	
already allowed.....	4200
	-----
Totall.....	6363
To John Yates for a boate.....	0900l.
To W <sup>m</sup> . Parry for ii bushells of pease.....	0550:
To Anth: Hoskins for pvision delivered	
William More.....	0490:
To Tho: Ward Chirurgion to Chickahomnie.....	0600:
To Capt: Phillipp Taylor.....	3303
To M <sup>r</sup> Knott in part of pay for his shalopp	
at Patomock.....	0410
To the Sherriffe for sallary at 5l. p Cent.....	0110
	-----
Totall.....	6363

[Orders of the Grand Assembly passed at the March 1645-6 session, not given in Hening.]

Specialtyes to	Whereas the Yeare was farre spent, before
bee taken w <sup>th</sup>	the Levyes were appoynted and pporconed:
security and	w <sup>ch</sup> hath accasioned very badd paym <sup>ts</sup> to
forbearance for	the great detriment of the Creditors to the
the Levy arreares.	publique Levy. W <sup>ch</sup> was not in the possible

power of the late sherriffes to prevent; It is therefore thought fitt that the said Sherr: vizt of the last yeare bee and are hereby authorized to demand and receive specialtyes, w<sup>th</sup> security and forbearance for all arreares due to the publique, eyther in theire owne names, or in the names of the Creditors, yf they shall soe desire it, for paym<sup>t</sup> at the next Cropp; w<sup>th</sup> power to the said sherriffes in case the debtors shall deny eyther paym<sup>t</sup> or security and forbearance as aforesaid. That then the said sherriffes shall have power to distrayne. And that the new elected sherriffes in case of non paym<sup>t</sup> y<sup>e</sup> nexte yeare, of such specialtyes soe taken as aforesaid, shall have power to distrayne of the Goods or bodies of such debtors.

How sherr: to distrayne the body or goods.

Burroughs to aske Upon the Intercession of the house of Com-forgiveness: & to mons. The Governor and Councell doe be: disabled: for 7 thinke fitt to mitigate the height of punishment w<sup>ch</sup> might bee iustly inflicted upon all Offendors, in the Peticoners Condition: It is therefore thought fitt & accordingly ordered by this Grand Assembly. That Christopher Burroughs shall make a publique acknowledgm<sup>t</sup>. of his offence, upon his knees, before this grand Assembly. And likewyse in the two parish Churches, in the County of Lower Norfolk, in the tyme of divine service: And at the County Court. And bee Burroughs to give disabled forbearing any publique office, security for his eyther in Church or Commonwealth, for good behavior. seaven yeares after yett to come: And put in security for his good behaviour at the said County Court.

[The 28th act passed by the General Assembly at the October 1646 session provided for the payment of the expenses of the late

Indian war. The amounts to be raised in the several counties and the amounts to be paid in those counties are not given in the law as found in Hening (see Hening, Vol. 1, 337). The manuscript book found in the office of the clerk of Norfolk County gives these amounts for Lower Norfolk County as follows:]

Sherriffe of Lower Norff. County.

	ls. tob.
To receive of the late sherriffe bills for.....	01315
Tho: Tucker being the 18l. p pole recd by him when he was sherriffe.....	04753
ffor 327 psns at 73.3-4 ls. p pole .....	24263
ffor 490 Cowes at 14.3-4 ls. p Cowe.....	07227
ffor 2 horses at 118 p horse.....	00236
ffor 163 goates at 7.3-8ls. p goate.....	01201
ffor 38000 Acres of land at 14.3-4ls. p C <sup>t</sup> .....	05605
Total.....	44600

The Sherriffe Debtor

To pay will. Parry with forbearance is.....	00594
To Anthony Hoskins for pvision to will. Moore w <sup>ch</sup> w <sup>th</sup> forbearance is.....	00527
To Thomas Warde with forbearance is.....	00648
To Cap <sup>t</sup> Phillip Taylor w <sup>th</sup> forbearance is.....	03567
To James Knott w <sup>th</sup> forbearance is.....	00443
To the Com <sup>rs</sup> of Low <sup>r</sup> Norff; for 18 Sould- iers p <sup>s</sup> sed to y <sup>e</sup> takeing of Oppochancka- nough.....	08376
To Tho: Tucker for Charge of prisoners.....	00900
To M <sup>r</sup> Cornelius Lloyd w <sup>th</sup> forbearance.....	02037
more Assigned him by Cap <sup>t</sup> Marshall.....	02725
To him more for pvision.....	07500
To M <sup>r</sup> Elliott in full for dyett for 6 Souldiers.....	00329
To Capt. Willoughby for his p <sup>ts</sup> of 40000ls. charged to the publique & not belonging to the warre for 11 psns at 7l. p pole is .....	00077

To the merchants of Bristoll in p<sup>ts</sup>.....15824  
 To the sherriffe for sallary at 5l. p C<sup>t</sup> is.....02071

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44600

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[The two acts following are in Hening under date of November, 1647. April 5, however, seems to be the correct date. See the second act.]

Att a Grand Assembly: Aprill the 5<sup>th</sup> Anno 1647.

1 Act  
 Which bee  
 Sufficient  
 psns ex-  
 playned.

Whereas divers escapes have bin made by Prisoners, and more likely to bee for want of sufficient Prisons in the severall Countyes: To which the poverty of the Country and want of necessities here, will not admitt a possibility to erect other than such houses as wee frequently inhabite, by w<sup>ch</sup> meanes much dammage hath risen to the severall sherriffes, Com<sup>rs</sup> & Countyes, especially for want of an Interpretacon what shall bee accounted a sufficient prison & what pvision shall bee made against prisoners thence excaping. Bee it therefore enacted that such houses pvided for that purpose shall bee accounted sufficient prisons, as are built according to the ordinary forme of Virginia houses, from w<sup>ch</sup> noe escape can bee made without breaking or forceing some parte of the prison house, & that all psns soe offending whether debtors or others shall bee pursued & iudged & suffer as in Case of fellons, & the Com<sup>rs</sup> & Countyes to bee freed from any Charge, or taxe to bee imposed upon them by any such escape, or by neglect of the Sherriffe. And that the Com<sup>rs</sup> may have power to appoynt such reasonable bounds & Limitts for the Conveniency &

accomodacon of prisoners in the day time, as by them shall bee thought reasonable & all prisoners soe transgressing & exceeding the said bounds to bee kept close & secured in the said prison at the pill of the severall sherriffs.

2 Act.  
Adiournm<sup>t</sup>  
of y<sup>e</sup> As-  
sembly.

Whereas certaine occasions of greate & mighty Consequence hath bin considered by this p<sup>r</sup>sent Grand Assembly, which cannott nowe at p<sup>r</sup>sent bee fully determined as allsoe the inconvenience of soe many Masters of ffamlies in staying from home at such considerable time of the yeare: Bee it enacted by this p<sup>r</sup>sent Grand Assembly, that the Assembly be adiourned untill the ffirst day of Octo<sup>r</sup> next, & that all Members of both houses doe then give their attendance at James Citty without any p<sup>r</sup>tence or excuse whatsoever to the Contrary. And bee it further inioyned that the Sherriffs Countyes doe p<sup>r</sup>sent unto the then Assembly upon the 6<sup>th</sup> day of Octob<sup>r</sup> a just & exact list of all taxable goods, lands & tytheable psns, w<sup>ch</sup> lists are to bee carefully taken by the Com<sup>rs</sup> in their severall Limitts, or such psns of trust as they think fitt to imploye. And the last yeares Sherriffs to bringe in their accounts of their pceeding upon the last yeares Levyes to the said Assembly upon the said sixth day of October.

By the Governor, Counsell, & Burgesses of the  
Grand Assembly in Virginia Aprill the 5<sup>th</sup> 1647.

Declaration  
Concerning  
the Dutch  
Trade &c.

Whereas many & most absolute necessities have given Cause to severall late grand Assemblies to establish sundry solemne Acts & publish declarations thereupon to in-

vite & encourage the Dutch nation to a Trade & Commerce with the Inhabitants of the Collony, w<sup>ch</sup> now for some few yeares they have Inioyed with such Content, Comfort & releife that they esteeme the continuance thereof, of noe lesse consequence then as a relative to their being & subsistence.

Now for as much as rumours & reports are rayseed and spread abroad, that by a late ordenance of the Parliament of England, all strangers are phibited trade w<sup>th</sup> any of the English plantacons, w<sup>ch</sup> wee conceive to bee the invention of some English Merchants on purpose to affright & expell the Dutch, and make way for themselves to Monopolize not onely our labours and fortunes, but even our psns, w<sup>ch</sup> wee may with soe much sence of smart deliver, in that with the cofidence of truth wee may averre, that the Monopolize, contracts & of piects of our commodity designed upon & against us by the English Merchants for false ends, & to our ruine have cost us more in charges of Assemblyes, then would have sufficiently fortified the Country with the advantage of many a pfitable nurserye for Manufactures: In w<sup>ch</sup> report wee have Cause to feare the hand that hath already bin soe heavy upon us & with Charity enough to doubt a practise from those whose heads have been over busily & restlessly imployed to gain their ends upon us:

ffor wee may not p'sume on such a thought that the most hono'ble houses of Parliament would conclude us in a Case of right & privilege granted unto us by ancient Chart<sup>r</sup> (Vidzt) that it should be lawfull for the Planters to entertaine trade with any nation or people in amitye with his Ma<sup>ty</sup> especially

without hearing of the pties principally interested, w<sup>ch</sup> infringeth noe lesse the libertye of the Collony & a right of deare esteeme to free borne psns: (Vidzt) that noe lawe should bee established within the kingdome of England concerninge us without the consent of a grand Assembly here.

Or in Case the most hon'ble houses have bin abused & by the wylie & spetious p'tences of Merchants, or Seamen trading to the Collony bin circumvented to the passing of such an Ordinance, we are assured the Justnes of our Cause will finde admittance & vindication from y<sup>t</sup> hono'ble Counsell: The rights, immunities & priviledges of our Charter by as due a Clayme belonginge to us, as is the wages of an hirelinge that hath laboured for it, for they only gave us Invitacon & were the Condictonall reward & guerdon ppounded for our Undertakeings in those rugged paths of Plantacon.

But haveing neyther received phibition or Intimacon concerning the sayd trade, wee can interprett noe other thing from the report, then a forgerye of avaritious psns, whose sickle hath bin ever long in our harvest all-readye.

Howsoever if the Act were illegall (though on the contrary wee are warranted by right & therefore by lawe) wee must like Creatures even of sence pvide for our owne safeties & subsistance.

In Order whereupon, wee doe againe invite the Dutch Nation, & againe publish & declare all freedome & libertie to them to trade within the Collony. And doe oblige ourselves & the whole Collony to defend them with our uttermost power & abilitie, in the peaceable fruition thereof eyther by reparacon from the

estates of those who shall offer them any violence or cause them any disturbance or otherwise; & shall pceede against them as Oppugners of our undoubted rights & privileges.

[The following acts and parts of acts passed by the Grand Assembly held in November 1647, which are contained in the Norfolk County manuscript book, are not given in Hening.]

— xXx —

Mulberry Island  
and Denbigh  
Pishes bounded.

Upon a controversie betweene the parishioners of Denbigh parish and the parishioners of Mulberry Island parish for their certaine bounds and Lymitts of their severall parishes: Bee it enacted and established for avoyding of all future uncertainty herein That the bounds of Mulberry Island parish shall bee and beginne on the North side of the land knowne by the name of Bremers land, including the Mill land on both sides of the River. And that Denbigh parish shall beginne from the Mill land on the South side of the River, and extend to Nuttmegg quarter parish<sup>o</sup> Provided not withstanding that the Inhabitants of both sides of the river to the Mills upon iust ground given to this Assembly shall pay all Tythes and dutyes to the Minister of Denbigh parish for this yeare; as allsoe all Arrears w<sup>ch</sup> [defuturo?] may be claymed due from any of them to the Minister of Denbigh as aføresaid.

[Hening gives the names of the collectors of public levies for James City County as appointed by Act 4 passed at this session of the Assembly, whereas the Norfolk County manuscript book gives the names of the collectors for Lower Norfolk, as follows:]



## ffor Lower Norfolke County.

M<sup>r</sup> Henry Woodhouse for the Easterne shore at Lynhaven.

M<sup>r</sup> Mathew: Phillipps for the Westerne shore at Lynhaven and the little Creeke.

M<sup>r</sup> Cornelius LLoyd for both sides of the Westerne Branch in Elizabeth River and soe from the house of James Warner to the house of M<sup>r</sup> Deanes.

M<sup>r</sup> Edward LLoyd for the Easterne and Southerne branches.

M<sup>r</sup> Thomas Lambart from Daniell Tanners creeke upward to the Broad creeke including M<sup>r</sup> Hoskins.

Cap<sup>t</sup>: John Sibsey from Danyell Tanners creeke downward, all of that side to Cap<sup>t</sup> Willoughby.

(and soe Collectors named for all the other Countyes with there severall bounds and lymitts p<sup>r</sup>scribed.)

Following the law as given in the Norfolk County manuscript book there appears in this book the following statement:

The Collectors of Lower Norfolke County Debt<sup>rs</sup>

	li. tobo.
By Bills to be returned.....	2743
By 360: titheable psns at 40l. p pole .....	14400
By 546: Cowes at 8l. p Cowe.....	04368
By 121 goates at 4l. p goate.....	00484
By 5 horses at 64l. p horse.....	00320
By 36560 acres of land at 8l. p Cent:.....	02924
	<hr/>
	25239
	1.
To pay to Richard Bennett Esqr. by assignement ffrom Cap <sup>t</sup> John West in p <sup>ts</sup> of his sallarey.....	08000x
To Thomas Meares by assignement of John Corker in pte of his sallarey.....	00550x
To Cornelius LLoyd by assignem <sup>t</sup> of Cap ffleete in full of all accounts due to him for the publiq.....	00600x

To Cornelius LLoyd for pvision of Chichohomany marche.....	00800x
To Cornelius LLoyd by assignem <sup>t</sup> from Robert Moss.....	00330x
To James Knott for arreares last yeare.....	00479x
To Edward Bland merchant.....	01787x
To Richard Conquest for his service at Assemblies.....	02500x
To Micheall Batt doorekeeper.....	00822x
To Cornelius LLoyd by assignem <sup>t</sup> of Steven Gill.....	00800x
To Walter Giles for Charges and howse roome for the Committee.....	00640x
To the Honno'ble Sir William Berkeley in pte of his howse.....	05407x
To the Collectors for Sallerey.....	02524x
	<hr/>
	25239x

Northampton Bee it anacted by the Governo<sup>r</sup> and Counsell  
County divided and Burgesses That the County of North-  
into two parishes ampton bee divided into two Parrishes the  
Upper and the Lower, w<sup>th</sup> division is to bee  
made by Savedges creeke, and a right line  
extended from the head of the said Savedges  
creeke to the Seaboard side: The one Parish  
to bee called the Upper Parish, and the other  
the Lower parish.

Concerning the Upon consideracon had by this grand Assem-  
reducing of bly of [ms. torn] Chickokoan als. Northum-  
Chicokoan & berland and other remote & straying plant-  
out Plantacons. acons on the south side of Patomeck River,  
Wicokomoko, Rappahannock and ffleets Bay  
being found to be contrary to his Ma<sup>ties</sup> in-  
structions from tyme to tyme; directed to the  
Governor and Counsell, contrary allsoe to the  
rules of Pollicie of state and good government,

pernicious allsoe and destructive in many consequences to the Peace and safety of the Collony through their weaknes and disorderly seating, animating and inviting the Salvages to treachery, and designs upon their lives, and by such probable event (out of hono<sup>r</sup> and necessity of state) imbroyling and ingeaging the country in a troublesome and chargeable warre, and therefore not to be any longer (with reservacon of our dutyes) connived at or permitted, doe thereupon order and enact the displanting and removall of the aforesaid plantacons; yet in respect the yeare is soe farre spent and the tyme may seem too short for the said psns to pvide for themselves habitacons elsewhere against the next season of planting: It is therefore thought fitt to allowe them one yeare longer for their better conveniencye of removall. And that after the expiracon of the said tyme prefixed they w<sup>th</sup> their ffamilies and cattell bee reduced from the said remote Plantacons within the Lymitts authorized and allowed (vizt) on the South side of Yorke River, and as farre southerly as the degrees of Virginia extend, or on the Easterne shore, w<sup>ch</sup> if they shall refuse to doe and pforme, that then they bee compelled thereunto by vertue of this Act; And it is further provided by this said Act that noe psn pr psns whose are not already Seated upon the said remote plantacons shall remove thither for this insueing yeare upon such penalty as shall bee thought fitt by the Governor and Counsell:

10<sup>th</sup> ffor the  
Seating of  
Nansatticon &c:

Whereas a proposicon was moved to the Assembly by Cap<sup>t</sup> Edward Hill, that he the said Cap<sup>t</sup> Hill and such other undertakers as

[This means 10<sup>th</sup> should willingly accompany him might have  
act in the list leave and licence granted unto them to seate  
for that session] and inhabite at a place called Nansatticon  
neare the heade of Rappahannack River, and  
that a convenient proportion of land might  
bee granted and confirmed unto him the said  
Cap<sup>t</sup> Hill and his associates togeather with  
the sole trade of the Bay of Chisopeake  
(Vidzt) within the Lymitts of Virginia: And  
did further offer to the consideracon of the  
Assembly these reasons of advantage and  
benefitt to the Republic<sup>e</sup> in such their  
undertakeing obligate themselves as follow-  
eth.

- 1 To keepe forty men upon the place w<sup>th</sup> suffi-  
cient Armes and Amunition and to bee ready  
with them at all tymes to serve the Countrey  
out of duty in case of enmity with the Salv-  
ages upon warr<sup>t</sup> from his Maties Governo<sup>r</sup>  
and Cap<sup>t</sup> Generall betweene James River and  
Potomack River.
2. To supply the Collony with such corne as they  
shall procure by trade at the price of one  
hundred pounds of tobo p barrel and not to  
exceede the said price at any time.
3. To returne with all conveniencie the persons  
of all runaway servants and others, whoe  
shall not bee able to give a good accountpt  
of their comeing thither (vidzt) without  
warrant for their soe doeing, together with  
such boates or vessles they shall bring along  
with them.
4. To give assistance (if occasion bee) for the  
reducing of such remote plantacons as are

ordered by this Assembly to bee displanted and removed at the time lymitted in the Act.

Upon consultacon and weighing whereof many badd consequences came in treaty aboute the trade as it now stands.

That noe proffitt thence issueth to the publique That the disorders arising from a generall liberty are many.

ffirst in debaseing and making oheape, vile and contemptible our owne commodities.

2<sup>d</sup>ly In a Covetuous outbidding one another, and consequently inhanseing the Commodities of the salvages.

3<sup>d</sup>ly In the many occasions given of doubts and iealousies by ignorance and mistake of language, w<sup>ch</sup> have called on cheargeable treatyes and Messages.

4thly And lastly in the expence of much Christian blood by the slight guard and negligent proceedings of many traders w<sup>ch</sup> heretofore hath and may probably againe drawe a warr upon the Collony.

The undertaking was allsoe reflected on in a double consideracon of hono<sup>r</sup> and safety to the Collony in beeing a Garrison for offence and defence of greate awe and terror to the Salvages from attempting upon us, and upon all occasions a false retreate and randevous.

And therefore have unanimously assented and doe accordingly enact That the said

Cap<sup>t</sup> Hill with such undertakers as shall willingly accompany him, have licence to seate at the said Nansatticon and y<sup>t</sup> Pattents bee graunted him, and such as shall accompany him according to the Rule and proporcon of adventure of the Charter of Orders Provided that forty men be kept upon the place w<sup>th</sup> sufficient Armes and Ammunition upon such obligacon as aforesaid.

Provided allsoe as a principall condicon whereunto the said [ms. torn] are obliged that they seate and inhabite in one intire forte sufficient for defence and not otherwise the said ffort not exceeding five Acres at most.

And that generally the aforesaid proposicons in their substance bee observed.

And in consideracon of the aforesaid conditions and services to be observed and performed to the Collony: It is enacted and graunted unto the said Cap<sup>t</sup> Hill and his associates that he and they shall have use and ffreely inioy to their owne benefitt and behoofe the sole trade of the Bay as aforesaid for and during the tyme and terme of eleaven yeares from the date of this Act fully to bee compleate and ended, with full power to the said Cap<sup>t</sup> Hill and his associates to take and surprize the vessells and psns of all such as he or they or their assignes shall find trading or bartering with the natives within the aforesaid Lymitts, without leave or licence first obtained from him and his Associates Provided notwithstanding anything in this Act to the contrary That whereas the Burgesses of Northampton County have moved that the

Cap<sup>t</sup> Uptons  
proposicon  
to bee entered  
here.

Nancemund &  
Isle of Wight  
devided.

Inhabitants of the said County might bee admitted to the like priveleges upon the like undertaking in some convenient place of strength and advantage to the Collony upon the Easterne Shore, w<sup>ch</sup> is allsoe assented unto and enacted that then the said Capt Hill his power is restrayned as farr as concerneth them and their associates, whoe are by vertue of this Act qualified and enabled with the like power and priviledg upon the same condicons as the said Cap<sup>t</sup> Hill and his Associates by virtue of this Act may have or enioy. And it is further thought fitt and enacted that the vessells of such psns not comprised within this Act, w<sup>ch</sup> shall bee surprised and taken tradeing in the Bay as aforesaid shall bee forfeited to the undertakers, who shall soe take and surprise them. And in case that any person shall bee taken tradeing by land (excepting such as are allowed at fforts and the interpreter) the truck, as allose the thing traded for, or the value thereof to bee forfeited to the undertakers respectively by whome the discovery is made.

Whereas many differences have beene and are likely to arise through the uncertaine division of the bounds of the countyes of Nancemund and the Isle of Wight as they are sett downe by Acts of Assembly Ao. 1642: Whereby it was expressed that the bounds of Nancemund should stretch southerly into the woods from the plantacon of Richard Hayes upon the main River, w<sup>ch</sup> bounds through the uncertainty of them have occasioned many disputes and controversies tending to discord and disorder bee it therefore enacted for the

better understanding and more certaine knowledge of the westerne bounds of the said County of Nancemund. That the plantacon of Richard Hayes upon the maine River shall bee and remayne in the County of the Isle of Wight according to tenor of the said Act Ao. 1642. That the whole track of land belonging unto M<sup>r</sup> ffantleroy shall bee and remayne in the County of

(Rest of manuscript gone)